

APPEAL NO. 013171
FILED FEBRUARY 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 29, 2001. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease with a date of injury of _____; that the claimant did not have disability; that the respondent (carrier) did not waive the right to contest compensability of the claimed injury by not contesting it in accordance with Section 409.021; and that the carrier is relieved from liability under Section 409.002 because the claimant did not give timely notice of the injury to her employer as required by Section 409.001. On appeal, the claimant contends that these determinations are against the great weight and preponderance of the evidence. The carrier urges affirmance.

DECISION

Affirmed.

The matters complained of by the claimant concern credibility and fact issues, which were for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. We have reviewed the complained-of determinations and we conclude that they are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing are affirmed.

The true corporate name of the carrier is **UNITED STATES FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PAUL DAVID EDGE
6400 INTERNATIONAL PKWY., SUITE 1000
PLANO, TEXAS 75093.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge